



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

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Ser BPMO.hmw/017
January 23, 2020

Mr. Christopher Roberts
San Francisco Public Press
288 Macon Street Level G
Brooklyn, NY 11216

Dear Mr. Roberts:

This correspondence is in regard to your Freedom of Information Act (FOIA) request of December 6, 2019, in which you seek the following:

All records related to scientific experiments involving human subjects, conducted at the US Naval Radiological Defense Laboratory (NRDL), which operated at the former US Navy Shipyard at Hunters Point in San Francisco, California, from 1946 until 1968, that has become an "agency record" held by the Navy since the publication of the Hunters Point Shipyard Final Historical Radiological Assessment.

Your request received by this office on December 9, 2019 and assigned file number DON-NAVY-2020-002564. A ten day extension letter was issued to you by letter dated January 7, 2020, and posted to FOIAonline on January 9, 2020.

This letter is to provide a final determination on your FOIA request. A search for responsive records has been completed and approximately 8 potentially responsive records have been located. Potentially responsive records are presently being reviewed for information that may be exempt from disclosure under the FOIA. Certain responsive records may be wholly or partially exempt from disclosure pursuant to the following exemptions to FOIA: FOIA Exemption 1 [5 U.S.C § 552(b)(1)] which exempts from disclosure of national security information concerning the national defense or foreign policy, provided that it has been properly classified in accordance with Executive Order 13526; FOIA Exemption 2 [5 U.S.C § 552(b)(2)] which exempts from mandatory disclosure records "related solely to the internal personnel rules and practices of an agency;" FOIA Exemption 3 [5 U.S.C § 552(b)(3)] which exempts from disclosure certain information specifically exempted from disclosure by statute; and FOIA Exemption 6 [5 U.S.C. § 552(b)(6)] which exempts from disclosure personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Responsive and non-exempt portions of records will be released to you on FOIAonline as our review is completed.

Please be advised that fees associated with the processing of your request are waived in this instance.

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In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or 703-697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Any questions concerning this matter should be directed to Ms. Heather Wochnick who may be contacted at heather.wochnick@navy.mil or 619-524-4605.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kimberly A. Ostrowski', written over a horizontal line.

KIMBERLY A. OSTROWSKI
Director